IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO: 20034 of 1996

Between:

Chavali Dattatreyulu S/o Valaiah, Hindu, R/o Koneruvari Street,

Vijayawada.

... PETITIONER

AND

1 Govt. of A.P., rep by its Secretary, Labour Employment and

Training & Factories (Lab.I) Dept., Secretariat, Hyderabad.
2 Presiding Officer, Labour Court, Guntur.
3 Managing Director, Andhra Jyothi, Vijayawada.
4 The Business Manager, Andhra Jyothi, Vijayawada.
5 The Personal Officer, Andhra Jyothi Vijayawada.

.... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of certiorari calling for the records pertaining to I.D.No.549/91 dt.2-9-95 on the file of the 2nd respondent

and quash the same as illegal contrary to the I.D. Act, and pass such other order or Orders in the interests of justice.

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondent No.1 &2: GP FOR LABOUR

Counsel for the Respondent No.3: Mr.A.Krishna Murthy (Not present)

Counsel for Respondent No.4: None Appeared

Counsel for Respondent No.5: Rule sent not yet returned served.

The Court made the following:

O R D E R: -

Heard Sri V.S.R.Anjaneyulu, learned counsel for the petitioner.

2. The petitioner was relieved by an order-dated 26.04.1991 from the service of the third respondent, whereat, he initially joined on daily wages in the year 1990 and was regularized as a packer after three years of casual service. The petitioner was permitted to serve up to the end of April 1991 and thereafter was relieved from service pursuant to the relief order dated 26.04.1991.

3. The petitioner claimed that his actual year of birth was 1938; the age of superannuation is 58 years and therefore, his discharge from service by April, 1991 constitutes termination. Asserting the said claim, he filed I.D.No.549/1991 on the file of the Labour Court, Guntur, under Section 2A (2) of the Industrial Disputes Act, 1947, for appropriate relief.

4. By the award-dated 02.9.1995, the Labour Court rejected the claim of the petitioner. The Labour Court concluded that the claim of the petitioner to having been born in the year 1938, i.e., 28.04.1938, is incorrect. The petitioner himself submitted Ex.M-1, a letter dated 28.04.1991 in his own handwriting stating that his date of birth was

28.4.1933, and that he desires to be retired from service on superannuation as per the correct date of birth. The letter dated 28.4.1991 also records that the petitioner furnished wrong date of birth at the time of joining the service, and the petitioner wanted to be retired in April, 1991. The Labour Court also found that on his relief by the end of April, 1991, he was paid all the terminal benefits such as Leave Salary, Gratuity and other benefits, which he had drawn and encashed. On the basis of Ex.M-1 and the surrounding circumstances, the Labour Court correctly came to the conclusion that Ex.M-1, the petitioner's letter dated 28.4.1991 was a genuine document and that the other documents Exs.W-1 to W-6 do not establish the petitioner's year of birth as 1938 in the face of his own letter Ex.M-1.

5. This Court discerns no error in the application of law or perversity in appreciation of evidence or in arriving at the conclusions by the Court below warranting interference in the present writ petition.

6. The writ petition is devoid of merits and it is accordingly dismissed. No costs.

Sd/-

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Secretary, Labour Employment and Training & Factories

(Lab.I) Dept., Government of A.P., Secretariat, Hyderabad.

2 Presiding Officer, Labour Court, Guntur.
3 2CCs to G.P for Labour, High Court Buildings, Hyd.(OUT)

4. 2 CD copies

RAR/PVSN